

# Notice of Allowability

Application No.

10/019,028

Examiner

Lynda M Salvatore

Applicant(s)

SON ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/23/04.
2. ☒ The allowed claim(s) is/are 2,3,6-11,13,14,16,17 and 33.
3. ☒ The drawings filed on 26 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Neil Sirota on February 25th, 2005.

2. **IN THE CLAIMS**

Cancel claims 18-32

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment and accompanying remarks filed 08/23/04 have been fully considered and entered. Claims 1,4,5,12, and 15 have been canceled, claims 18-32 have been withdrawn, and new claim 33 has been added. Applicant's cancellation of claims 1,4,5,12, and 15 renders moot the anticipation and obviousness type rejections set forth in sections 3 and 5-11 of the last Office Action. As such, these rejections are hereby withdrawn. Applicant's newly added claim 33, which incorporates the canceled subject matter of 1,5,12 and 15, is found allowable over the prior art of record for reasons set forth herein below.

### ***Allowable Subject Matter***

2. Claims 2,3,6-11,13,14,16,17, and 33 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant added new independent claim 33, which recites limitations not taught or fairly suggested by the closest prior art of Mizuno, US 5,492,589. Claims 2,3,6-11,13,14,16,17 are found allowable as they depend directly or indirectly from independent claim 33. Specifically, the prior art of US '589 does not teach a decorative floor covering comprising: (i) a surface treated layer; (ii) a polyethylene terephthalate film layer; (iii) a polyvinyl chloride resin intermediate layer wherein the polyvinyl chloride resin intermediate layer is a sheet having a thickness of 0.1 to 0.2 mm manufactured by pressure rolling in a calendar a polyvinyl chloride resin composition comprising 100 parts of polyvinyl chloride resin, 25 to 50 weight parts of dioctyl phthalate, 50 to 150 weight parts of calcium carbonate, 3 to 5 weight parts of titanium oxide, and 2 to 5 weight parts

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of heat stabilizer; (iv) a polyvinyl chloride resin substrate layer wherein the polyvinyl chloride resin substrate layer is a non-foamed polyvinyl chloride sheet manufactured by kneading a polyvinyl chloride resin composition comprising 100 weight parts of polyvinyl chloride resin, a plasticizer of 30 to 50 weight parts of dioctyl phthalate, heat resistant stabilizers of 3 to 5 weight parts of barium-zinc based compound and 3 to 5 weight parts of epoxy compound, and fillers of 200 to 400 weight parts of calcium carbonate and 3 to 5 weight parts of pigment in a rolling mill having a temperature of 160 to 190°C, and pressure rolling it to a thickness of 0.8 to 1.3 mm; (v) an adhesive layer; and (vi) a light back layer. With specific regard to the polyvinyl chloride intermediate and substrate layers, it is the position of the Examiner that though said intermediate layer and substrate layer are adjacent said layers are patently distinguishable over a single polyvinyl chloride layer as the presently claimed intermediate and substrate polyvinyl chloride layers differ in both composition and thickness. An updated art search did not produce any new substantial art for which to base a rejection. As such, claims 2,3,6-11,13,14,16,17, and 33 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 16, 2005

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SUPERVISORY PATENT EXAMINER  
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